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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON  
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9 CHRISTOPHER JOSEPH RAINEY,  
10 Plaintiff,  
11 v.  
12 COMMISSIONER OF SOCIAL  
13 SECURITY,  
14 Defendant.

No. 2:16-cv-00088-SAB (MKD)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION TO  
DENY PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT**

15 Before the Court is Magistrate Judge Mary K. Dimke's Report and  
16 Recommendation to Deny Plaintiff's Motion for Summary Judgment and to Grant  
17 Defendant's Motion for Summary Judgment, ECF No. 14. Judge Dimke applied  
18 the correct standard in this review of the Commissioner of Social Security's  
19 administrative decision, and after a thorough analysis, recommends the Court  
20 grant Defendant's motion for summary judgment.

21 A district court has jurisdiction to review a magistrate judge's report and  
22 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). Under 28 U.S.C.  
23 § 636(b)(1) parties may file objections to the magistrate's findings and  
24 conclusions. The "statute makes it clear that the district judge must review the  
25 magistrate judge's findings and recommendations de novo *if objection is made*,  
26 but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.  
27 2003). No objections were filed here, and the Court agrees entirely with Judge  
28 Dimke's recommendation, and adopts it in its entirety.

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The Court **ADOPTS** Magistrate Judge Dimke's Report and  
3 Recommendation to Dismiss Complaint Without Prejudice, ECF No. 14, in its  
4 entirety.

5 2. Plaintiff's Motion for Summary Judgment, ECF No. 10, is **DENIED**.

6 3. Defendant's Motion for Summary Judgment, ECF No. 11, is **GRANTED**.

7 4. A judgment in favor of Defendant shall be **ENTERED**.

8 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
9 **ENTER** this Order, **FORWARD** a copy to counsel, and **CLOSE** the file.

10 **DATED** this 23rd day of June, 2017.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

16 Stanley A. Bastian  
17 United States District Judge  
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